

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

ROGER JORDAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	2:08-cv-00152-MEF-TFM
EQUITY GROUP EUFAULA DIVISION, LLC,	)	
JENNIFER BAKER and RANDY CLINE	)	
	)	
Defendants.	)	

**MOTION TO STRIKE PLAINTIFF’S DISCOVERY**

Defendants respectfully move the Court to strike the Plaintiff’s deposition notices and discovery requests to Defendants. As grounds therefore, Defendants show unto the Court as follows:

1. Plaintiff served the following discovery requests and deposition notices with the Complaint: First Request for Documents to Defendant Equity Group Eufaula Division, LLC; 30(b)(6) Notice of Deposition to Defendant Equity Group Eufaula Division, LLC; Notice of Deposition to Defendant Jennifer Baker; and Notice of Deposition to Defendant Randy Cline.

2. Pursuant to Federal Rule of Civil Procedure 26(d), “a party may not seek discovery from any source before the parties have met and conferred as required by subdivision (f).”

3. The parties have not held the Rule 26(f) meeting of parties.

4. Accordingly, Plaintiff’s discovery requests are premature and due to be stricken.

WHEREFORE, premises considered, Defendants respectfully request that the Court

strike Plaintiff's outstanding discovery requests and notices of deposition directed to these Defendants.

/s/ Joel P. Smith, Jr.  
Joel P. Smith, Jr. (SMI 192)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 10th day of March, 2008 I served the foregoing upon counsel of record for all parties to this proceeding via the Court's CM/ECF electronic filing notification system:

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/s/ Joel P. Smith, Jr.  
Of Counsel